UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/474,216	12/29/1999	OLEG B. RASHKOVSKIY	INTL-0319-US	2005

21906   7590   05/16/2006

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ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		09/474,216	RASHKOVSKIY, OLEG B.
		Examiner	Art Unit
		Andrew Y. Koenig	2623

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *28 February 2006*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *89-111* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *89-111* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some *   c)☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 28 February 2006 have been fully considered but

they are not persuasive.

The applicant argues that Menard does not teach receiving, monitoring, and

storing one video transmission on a receiver while tuning the receiver to display

another, different video transmission, and switching from a tuned transmission to

display the monitored transmission. The examiner disagrees; Menard teaches

simultaneous receiving, monitoring and storing multiple video streams and alerting a

user when a predetermined option (page 11 lines 29-33, monitoring streams and

alerting when interest is detected, page 13 lines 14-19, storing detected video stream,

page 17 lines 29-31, monitoring and watching multiple video channels simultaneously),

and further teaches switching to display the one video transmission. The examiner

notes that "switching from a tuned transmission to display the monitored transmission" is

not recited in the independent claims, but merely the broader characterization of

"causing said receiver to switch to display the one video transmission," as recited in

claim 89. It is clear from claim 89 that the claim limitation does not require a signal to

be switched from a tuned transmission to display the monitored transmission, but

merely that the receiver switches to display the one (monitored) video transmission.

Consequently, Menard teaches in response to detecting an occurrence of an event in

the one transmission, providing an alert which enables to the user to switch to

displaying the one transmission from a predetermined time before the event (page 9

lines 1-7, page 11 lines 5-13, pave 13 lines 20-22, page 15 lines 17-27, page 16 lines

13-24, delay system for recording a predetermined time before the event, sending the

delayed feed to the live display), which equates to causing said receiver to switch to

displaying the one (monitored) video transmission.

. The applicant argues that Menard may be programmed to watch multiple channel

simultaneously, and each channel has its own processing system, and thus each

channel would have its own live display and would teach away from switching channel

to display one or the other as they would both be displayed. The examiner disagrees;

with this position in that Menard teaches that each channel has its own "processing"

system, which as best understood by the examiner would be the video, audio, CC

captures (fig. 9, labels. 33, 34, 42, 50-55, 67, and 68). Regardless of this

characterization, there is no explicit teaching within Menard that each channel would

necessarily have its own live display. The examiner notes that this could be possible,

but Menard is silent on this feature, further, the claim merely recites that the receiver is

switched to display the one (monitored) video transmission, which is already taught by

Menard (see discussion above).

The applicant further argues that a modification of Menard by Daniels would have

to enable Menard to continue monitoring each received channel for key words; the

examiner disagrees as this limitation is not recited in the claim and that the

characterization of Menard is incorrect. The examiner notes that the introduction of

Daniels is to teach that while receiving a video and switching to another, that when the

user switches back to the original channel that the programming should be resumed at

the point when the user initially switches. The examiner recognizes as the applicant establishes that Menard teaches storing, but Menard is silent on displaying at least a portion of the other video transmission that was stored during said switch, consequently, the examiner disagrees that Daniels destroys that feature of Menard.

Additionally, the applicant argues that the buffers of Menard would be overwritten by the time the user viewed a replay on a different channel, the examiner disagrees; as the modification of Daniels clearly teaches this limitation and one of ordinary skill in the art would readily recognize the benefit of resuming programming at the point they had initially changed channels.

Further, the applicant states that "Menard is not silent with respect to storing." Whereas, the examiner recognizes that Menard is not silent, the discussion of Menard clearly states, that Menard is silent on "storing the another video transmission and in response to another event, displaying at least a portion of the another video transmission that was stored during said switch."

The applicant has not traversed the examiner's assertion of official notice that remote controls are well known in the art. Consequently, the examiner notes the features of the official notice are taken to be admitted prior art because the applicant failed to traverse the examiner's assertion of official notice.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 89-95, 97-104, and 106-111 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Menard et al (WO 96/27840) in view of De Saint Marc (EP 0912053)

and Daniels (2002/0032907)

Regarding claim 89, Menard describes simultaneous receiving, monitoring and

storing multiple video streams and alerting a user when a predetermined option (page

11 lines 29-33, monitoring streams and alerting when interest is detected, page 13 lines

14-19, storing detected video stream, page 17 lines 29-31, monitoring and watching

multiple video channels simultaneously), which equates to tuning to another, different

video transmission. Menard teaches in response to detecting an occurrence of an

event in the one transmission, providing an alert which enables to the user to switch to

displaying the one transmission from a predetermined time before the event (page 9

lines 1-7, page 11 lines 5-13, pave 13 lines 20-22, page 15 lines 17-27, page 16 lines

13-24, delay system for recording a predetermined time before the event, sending the

delayed feed to the live display), but Menard is silent on storing the another video

transmission and in response to another event, displaying at least a portion of the

another video transmission that was stored during said switch. In analogous art,

Daniels teaches storing another video transmission, when the user watches a different

transmission, in that Daniels teaches the viewer can pause the display of a first

program, and switch to another channel to view a different program. The paused

program is recorded..so that the viewer can resume viewing the program at any time,

without missing any of it (Daniels: pg. 4, para. 0036, see also fig. 6, pg. 11, para. 120-123). Further, Daniels teaches switching back to the previous video channel in response to a user-initiated event, which equates to the claimed in response to another event, displaying at least a portion of the another video transmission that was stored during said switch. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Menard by storing the another video transmission and in response to another event, displaying at least a portion of the another video transmission that was stored during said switch as taught by Daniels in order to access programming on other channels without missing any portion of the programming of either program. The combination of Menard and Daniels teaches storing events and switching back wherein the user request to see the another event, which equates to the claimed in response to another event, displaying at least a portion of the another video transmission that was stored during said switch, thereby enabling the user to watch programs in their entirety.

Although Menard shows the ability to alert a user with a video window when a identified streams has been matched (page 10 lines 10-16, opening up video window when keyword found, page 13 lines 20-23), both Menard and Daniels fail to specifically state that the alerted stream is automatically switched from the display of the another video transmission to display the one video transmission. De Saint Marc clearly shows completely and automatically switching from one video transmission to another when a predetermined event that is being monitored is received (col. 3 section 0016, automatically change channels to a channel where a goal has occurred). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Menard and Daniels with the complete, automatic channel switching of De Saint Marc so that the system would quickly change channels and the user would not miss an important event.

Regarding claim 90, Menard teaches monitoring and storing channels (page 11 lines 29-33, monitoring streams and alerting when interest is detected, page 13 lines 14-19, storing detected video stream, page 17 lines 29-31) in that the system is constantly monitoring and storing segments for events in the one video transmission, which equates to "again monitoring and storing one video transmission in response to the another event."

Regarding claim 91, Menard shows storing a plurality of options, each associated with different events (page 9 lines 11-33, page 10 lines 1-5, page 12 lines 4-8).

Regarding claim 92, Menard shows storing a plurality of options, each associated with different events (page 9 lines 11-33, page 10 lines 1-5, page 12 lines 4-8).

Regarding Claim 93, Menard shows storing a plurality of monitored video transmissions (page 17 lines 15-29) and monitoring the transmission for a user-selected options (page 9 lines 11-33, page 10 lines 1-5, page 12 lines 4-8).

Regarding claim 94, Menard teaches displaying the transmission from a predetermined time before the occurrence of the event (page 9 lines 1-7, page 11 lines 5-13, page 13 lines 20-22, page 15 lines 17-27, page 16 lines 13-24), which equates to a time of about 45 seconds prior to the occurrence of the event.

Regarding claim 95, Menard teaches displaying the transmission from a

predetermined time before the occurrence of the event (page 9 lines 1-7, page 11 lines

5-13, page 13 lines 20-22, page 15 lines 17-27, page 16 lines 13-24), which equates to

automatically queuing the stored transmission in response to detecting the event.

Regarding claim 97, Menard shows a set-top box (fig. 1 "tuner"), which equates to

tuning said receiver to receive a television broadcast.

Regarding claim 98, Menard teaches storing video transmission in the mass

storage device (fig. 1, 8, labels 20, 32).

Regarding claims 99 and 107, Menard shows an article comprising a medium

storing instructions, enabling a processor based system to execute (page 5 lines 27-32,

page 6 lines 1-10, figs. 1 and 2). Furthermore, Menard shows the ability to

simultaneously receive two video transmissions on the receiver (page 17 lines 29-31,

monitoring and watching multiple video channels simultaneously). Menard describes

simultaneous receiving, monitoring and storing multiple video streams and alerting a

user when a predetermined option (page 11 lines 29-33, monitoring streams and

alerting when interest is detected, page 13 lines 14-19, storing detected video stream,

page 17 lines 29-31, monitoring and watching multiple video channels simultaneously),

which equates to tuning to another, different video transmission. Menard teaches in

response to detecting an occurrence of an event in the one transmission, providing an

alert which enables to the user to switch to displaying the one transmission from a

predetermined time before the event (page 9 lines 1-7, page 11 lines 5-13, pave 13

lines 20-22, page 15 lines 17-27, page 16 lines 13-24, delay system for recording a

predetermined time before the event, sending the delayed feed to the live display), but

Menard is silent on storing the another video transmission and in response to another

event, displaying at least a portion of the another video transmission that was stored

during said switch. In analogous art, Daniels teaches storing another video

transmission, when the user watches a different transmission, in that Daniels teaches

the viewer can pause the display of a first program, and switch to another channel to

view a different program. The paused program is recorded..so that the viewer can

resume viewing the program at any time, without missing any of it (Daniels: pg. 4, para.

0036, see also fig. 6, pg. 11, para. 120-123). Further, Daniels teaches switching back

to the previous video channel in response to a user-initiated event, which equates to the

claimed in response to another event, displaying at least a portion of the another video

transmission that was stored during said switch. Therefore, it would have been obvious

to one of ordinary skill in the art at the time the invention was made to modify Menard by

storing the another video transmission and in response to another event, displaying at

least a portion of the another video transmission that was stored during said switch as

taught by Daniels in order to access programming on other channels without missing

any portion of the programming of either program. The combination of Menard and

Daniels teaches storing events and switching back wherein the user request to see the

another event, which equates to the claimed in response to another event, displaying at

least a portion of the another video transmission that was stored during said switch,

thereby enabling the user to watch programs in their entirety.

Although Menard shows the ability to alert a user with a video window when a

identified streams has been matched (page 10 lines 10-16, opening up video window

when keyword found, page 13 lines 20-23), both Menard and Daniels fail to specifically

state that the alerted stream is automatically switched from the display of the another

video transmission to display the one video transmission. De Saint Marc clearly shows

completely and automatically switching from one video transmission to another when a

predetermined event that is being monitored is received (col. 3 section 0016,

automatically change channels to a channel where a goal has occurred). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify Menard and Daniels with the complete, automatic channel switching of

De Saint Marc so that the system would quickly change channels and the user would

not miss an important event.

Regarding claim 100, Menard shows storing a plurality of options, each

associated with different events (page 9 lines 11-33, page 10 lines 1-5, page 12 lines 4-

8). Menard shows storing a plurality of monitored video transmissions (page 17 lines

15-29) and monitoring the transmission for a user-selected options (page 9 lines 11-33,

page 10 lines 1-5, page 12 lines 4-8).

Regarding Claim 101, Menard shows storing a plurality of monitored video

transmissions (page 17 lines 15-29) and monitoring the transmission for user-selected

options (page 9 lines 11-33, page 10 lines 1-5, page 12 lines 4-8).

Regarding claim 102, Menard teaches displaying the transmission from a

predetermined time before the occurrence of the event (page 9 lines 1-7, page 11 lines

5-13, page 13 lines 20-22, page 15 lines 17-27, page 16 lines 13-24), which equates to

a time of about 45 seconds prior to the occurrence of the event.

Regarding claim 103, Menard teaches displaying the transmission from a

predetermined time before the occurrence of the event (page 9 lines 1-7, page 11 lines

5-13, page 13 lines 20-22, page 15 lines 17-27, page 16 lines 13-24), which equates to

automatically queuing the stored transmission in response to detecting the event.

Regarding claim 104, Menard shows the ability to automatically show the

detected event when detected (page 13 lines 20-22, page 16 lines 13-24, page 17 lines

22-29, automatically displaying the alerted stream).

Regarding claim 106, Menard shows a delay unit, that is user configurable, to

record time before the event (page 9 lines 1-7, page 11 lines 5-13, page 15 lines 18-28).

Regarding claim 108, Menard shows a television system coupled to the receiver

(fig. 1 item 4).

Regarding claim 109, Menard shows the use of a keyboard (fig. 8 item 29).

Menard fails to show using a remote control. Official Notice is given that it is well known

and expected in the art to use a remote control. This allows a user to conveniently

control the receiver operation. Therefore, it would have been obvious to one of ordinary

skill in the art at the time the invention was made with the ability to use a remote control

so the user would have a convenient method of control.

Regarding Claim 110, Menard shows a monitor (fig. 1 item 8).

Regarding Claim 111, Menard shows a set-top box (fig. 1 "tuner").

4.   Claims 96 and 105 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Menard et al (WO 96/27840), Daniels (2002/0032907), De Saint Marc (EP

0912053) in view of Akiba et al (6,542,695).

Regarding claim 96, Menard, Daniels, and De Saint Marc teach monitoring and

storing, but are silent on monitoring and storing while displaying. Akiba shows the

ability to store multiple video transmissions at the same time while viewing them (figs. 5-

9, col. 4 lines 10-52, col. 5 lines 1-2). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify Menard, Daniels,

and De Saint Marc monitoring and storing while displaying as taught by Akiba in order

to enable the viewer to see each event while also storing the events when the user is

watching, thereby enabling the user to access events at a different time.

Regarding claim 105, Menard, Daniels, and De Saint Marc teach monitoring and

storing, but are silent on monitoring and storing while displaying. Akiba shows the

ability to store multiple video transmissions at the same time while viewing them (figs. 5-

9, col. 4 lines 10-52, col. 5 lines 1-2). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify Menard, Daniels,

and De Saint Marc monitoring and storing while displaying as taught by Akiba in order

to enable the viewer to see each event while also storing the events when the user is

watching, thereby enabling the user to access events at a different time.

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Andrew Y. Koenig whose telephone number is (571)

272-7296. The examiner can normally be reached on M-Fr (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Miller can be reached on (571)272-7353. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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